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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/018,269
Filing Date: April 25, 2002
Appellant(s): LATARNIK ET AL.

Attorney Joseph V. Coppola
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 26, 2005.

(1) Real Party in Interest

S. 0-J

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection in the brief is correct.

(7) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art of Record

5,918,948 Burgdorf et al. 7-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Burgdorf et al. (WO 96/02409). U.S. Patent Number 5,918,948 is presented as an English equivalent for WO 96/02409.

Re-claim 13 Burgdorf et al. discloses, as shown in fig. 1, a method of modulating brake pressure of a vehicle brake circuit, comprising the steps of: categorizing a vehicle brake circuit into a leading wheel brake circuit portion of wheel brake cylinder 17 and a following wheel brake circuit portion of wheel brake cylinder 18, determining brake pressure demands for the leading and following wheel brake circuit portions; introducing, maintaining, and reducing the brake pressure of the following wheel brake circuit portion in dependence on the leading wheel brake circuit portion, such that a pressure fluid is introduced into the following brake circuit portion in a magnitude established by way of the leading wheel brake circuit portion, see abstract, col. 4, lines 3-67 and col. 5, lines 1-28; since the leading wheel brake circuit portion is provided with

the switching valve 9, separating valve 10 and pump 7, as clearly disclosed in Applicant's specification and fig. 1.

Re-claim 14 Burgdorf et al. discloses, as shown in fig. 1, wherein the leading wheel brake circuit portion is connected to a pressure fluid source 3,4 by way of opening of a switch valve 9, and the pressure fluid is introduced in the leading and following wheel brake circuit portions by way of a pump 7, with the following wheel brake circuit portion being separated from the pressure fluid source by a separating valve 10.

Re-claim 15 Burgdorf et al. discloses, as shown in fig. 1, wherein the leading wheel brake circuit portion is connected to an accumulator 13 and the pressure fluid is introduced into the leading and following brake circuit portions by way of a pump 7, wherein the leading and following brake circuit portions are separated from a pressure source 3,4 by a separating valve 10.

Re-claim 16 Burgdorf et al. discloses, as shown in fig. 1, further including a step of controlling the brake pressure demands of the leading and following wheel brake circuit portions by way of an inlet valve 15 of the following brake circuit portion according to brake pressure demand, wherein an inlet valve 11 of the leading brake circuit portion remains open, and outlet valves 12,16 of the leading and following brake circuit portions remain closed.

Re-claim 17 Burgdorf et al. discloses, as shown in fig. 1, wherein the brake pressure demand of the following brake circuit portion is changed by delivery out of the

leading brake circuit portion, wherein an inlet valve 15 of the following brake circuit portion remains open.

Re-claim 18 Burgdorf et al. discloses, as shown in fig. 1, wherein brake pressure is introduced and increased compared to the brake pressure demand of the leading brake circuit portion, the inlet valve of leading brake circuit portion is closed in dependence on the brake pressure of vehicle brake circuit or in dependence on a time constant correlated to a condition variable.

Re-claim 19 Burgdorf et al. discloses, as shown in fig. 1, wherein the brake pressure in the leading brake circuit portion is discharged into a pressure fluid source 3,4 by way of vehicle brake circuit by opening a separating valve 10.

Re-claim 20 Burgdorf et al. discloses, as shown in fig. 1, wherein the brake pressure in the following brake circuit portion is discharged through a return line into an accumulator 13 by opening an outlet valve 16 when an inlet valve 15 is closed.

Re-claim 21 Burgdorf et al. discloses, as shown in fig. 1, wherein the characteristics for the steps introduction, maintaining, and reduction of brake pressure are predetermined by a pressure controller.

Re-claim 22 Burgdorf et al. discloses, as shown in fig. 1, wherein a pump 7 is controlled by way of a pulse-width modulated control signal, predetermined by a pressure controller during introduction of brake pressure into the leading and following brake circuit portions.

Re-claim 23 Burgdorf et al. discloses, as shown in fig. 1, wherein a pump 7 is operated during the steps maintaining and reducing of brake pressures by way of

adjusting an energy supply, or rotational speed, or a conveying capacity in a predetermined basic condition.

(10) Response to Argument

With respect to Appellant's claim 13 on page 4 of the Brief on Appeal, Appellant argued that a close review of Burgdorf shows that nothing in Burgdorf teaches the interplay between the leading wheel brake circuit and the following wheel brake circuit. Specifically, Burgdorf does not teach the step of introducing, maintaining, and reducing the brake pressure of the following wheel brake circuit portion in dependence on the leading wheel brake circuit portion, such that a pressure fluid is introduced into the following brake circuit portion in a magnitude established by way of the leading wheel brake circuit portion. On page 5, Applellant argued that there is no teaching that the manipulation of the inlet and outlet valves is done in dependence on any other portion of the wheel brake circuit. Moreover, there is no teaching in Burgdorf for manipulating the inlet and outlet valves such that "a pressure fluid introduced into the following brake circuit portion in a magnitude established by --- the leading wheel brake circuit portion.

Burgdorf disclose a leading wheel brake circuit portion by way of line portion 38, pump 7, inlet valve 11, outlet valve 12, and wheel brake cylinder 17 and a following wheel brake circuit by way of line portion 39, inlet valve 15, outlet valve 16, and wheel brake cylinder 18. Burgdorf does generally disclose the same hydraulic brake structure as that of the instant application. Brake pressure increase, maintain, and reduction of the following wheel brake circuit is always depended upon the magnitude introduced by

the leading wheel brake circuit, since the following wheel brake circuit is located further downstream than the leading wheel brake circuit with the pump.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

M. Sy
June 24, 2005

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